

These individuals are appointed by the agency based upon a number of factors to include experience, training and other personnel or bargaining unit restrictions.

**24. What is the performance period and will it be re-competed?**

After the performance period is established in the contract or letter of obligation (agreement signed if the MEO wins), the function can be re-competed. The Circular calls for a performance period of 3-5 years. However, the FAA is planning to ask for extension of these limits for the AFSS study.

**25. Who wins the competition? The low-cost bidder?**

Not necessarily. The new Circular provides several different procedures to determine the winner of a competition and take non-cost factors into account. FAA plans to balance cost with technical approach and risk for the AFSS study.

**26. What are the ground rules for contesting performance decisions?**

Only a directly interested party may contest standard competition performance decisions. A directly interested party is defined as the Agency Tender Official who submitted the agency tender; a single individual appointed by a majority of directly affected employees as their agent; a private sector offeror; or the official who certifies the public reimbursable tender. The affected workforce is not considered a directly interested party but is represented by the Agency Tender Official or a single individual appointed by a majority of directly affected employees as their agent.

**27. How many FAA competitive sourcing projects are planned or on going?**

The AFSS competitive sourcing competition is the first and currently the only FAA competitive sourcing competition. The Office of Competitive Sourcing Acquisition is focused exclusively on the AFSS study which is the largest and most complex civilian competitive sourcing effort in the Federal government.

**28. Will OASIS and other systems still be utilized after the competitive sourcing process?**

In the preliminary phase of the competitive sourcing competition, a decision will be made as to what extent the FAA will offer government furnished systems and equipment to bidding parties; however, bidding parties have an opportunity to choose not to utilize a piece of equipment if usage is not mandated within the PWS.

**HOW EMPLOYEES MIGHT BE AFFECTED**

**29. How do people know if their jobs are going to be studied?**

The new Circular requires an agency to make a formal public announcement for each competition. However, in all likelihood the agency will notify affected employees, and the employees' unions, that their jobs will be part of the study before the formal announcement.

**30. If my job is going to be studied, what are the odds that I'll lose my job?**

Experience has shown that the government wins the competitions at least half of the time.

**31. How many employees are affected by the competitive sourcing competition of AFSSs?**

The current estimate of staffing at the stations under competition is just under 3000. This includes trainees, journeymen, supervisors, managers and administrative staff. Other staff such as field maintenance and regional headquarters personnel may be impacted.

**32. If the Government wins the competition will all employees keep their jobs?**

If the MEO calls for less than the current number of positions to perform a function, reductions will be handled in accordance with the FAA's policies and procedures governing Staffing Adjustments and Reduction-in-Force (RIF) ([www.faa.gov/ahr/policy/order/orders/33502c.cfm](http://www.faa.gov/ahr/policy/order/orders/33502c.cfm)). This order, 3350.2C, provides that when the number of employees in any organization or occupation must be reduced, management shall make every reasonable effort to place surplus employees in other jobs or regions of the agency with the least possible interruption to their careers and personal lives. Separation of employees by RIF shall take place only after all reasonable alternative actions have failed to solve the surplus problem.

**33. If the MEO wins, is the current bargaining contract affected?**

The current bargaining agreement is not affected by the A-76 Circular. However, it is important to recognize that the Agency Tender and resulting MEO will be constructed as a management decision. In order for the Agency Tender to be competitive with the private sector there may be provisions that run contrary to the existing agreement. Therefore, it is beneficial to work within the current collective bargaining units to discuss alternatives necessary to permit greater efficiencies. If a vendor wins, the current bargaining contract would not apply.

**34. How many employees will be separated as a result of a private sector win?**

If the performance decision results in a private sector win, all affected employees will be separated unless they are offered other positions in Federal service or they elect to retire. If the Agency Tender wins the performance decision, the number of affected employees separated will be directly related to the difference in staffing levels between the current and proposed staffing models.

**35. If an employee is adversely affected by the competition, does FAA's freedom from Title V restrict employee rights to find placement in another Federal job?**

The FAA has an Interchange Agreement with the Office of Personnel Management (OPM), which allows a permanent FAA employee, who previously acquired career status in the competitive service, to apply for positions under a competitive service agency's Merit Promotion Plan (Internal Selection) as long as it is open to Federal employees outside the agency. One's career status in the competitive service may have been earned either with the FAA (prior to its becoming an excepted service agency, April 1, 1996) or with another agency ([www.faa.gov/ahr/policy/hrpm/hroi/emp/intercha.cfm](http://www.faa.gov/ahr/policy/hrpm/hroi/emp/intercha.cfm)).

**36. If the government loses a competition against the private sector, do the affected employees have any chance of being hired by the contractor who won the competition?**

Yes. The Circular requires that where the agency is the incumbent provider of the service and a contractor wins the competition, the contractor shall give government employees who have been or will be adversely affected or separated the "right of first refusal" for employment openings under the contract in positions for which they are qualified (so long as no post-government employment conflicts of interest are involved).

While this does not require the contractor to hire any government employee, it prohibits the contractor from hiring anyone else without first offering vacant positions to qualified displaced government employees.

**37. What are the retirement options for an employee under the Civil Service Retirement System (CSRS) and the Federal Employee Retirement System (FERS) if his/her job is contracted out, and at what age can he or she retire without a reduction being applied to his or her retirement income?**

If RIF procedures are implemented, CSRS and FERS employees affected would be eligible for discontinued

service retirement at any age with 25 years service, or at age 50 with 20 years service. Optional retirement requirements are age 55 with 30 years, age 60 with 20 years, or age 62 with 5 years. However, there is a reduction of 2 percent per year for each year under age 55 for early or discontinued service retirement for CSRS employees. This reduction does not apply to FERS employees. Please note that if a FERS employee retires at the minimum retirement age plus 10 years of service option, a five percent (5%) per year reduction in annuity, for each year the employee is under age 62, will apply. In addition, the agency may request early out authority for potentially impacted employees, and if granted, both CSRS and FERS employees would be eligible under the same service and age requirements as for discontinued service retirement. Employees should contact their regional human resource office to discuss specific cases.

**38. If an employee chooses to take a deferred annuity, is he or she eligible for severance pay?**

If an employee is a career employee who has been on the rolls for at least the preceding 12 months prior to separation and is not entitled to an immediate retirement annuity as a Federal employee or member of the uniformed services, he or she is eligible for severance pay. Regardless of whether an employee elects retirement, if he or she is entitled to an immediate annuity (Discontinued Service Retirement, optional retirement or retired military), an employee is not entitled to severance pay. Employees should contact their regional human resource office with specific questions.

**39. Will affected employees receive Saved Pay?**

Employees who are in the FG pay plan and are placed in a lower-grade position as a result of RIF procedures, will be entitled to either grade and/or pay retention. Such determinations will be made in accordance with the eligibility provisions outlined in the FAA's FAPM Letter 536, "Grade and Pay Retention Under the Civil Service Reform Act." Grade retention means, in general, keeping one's grade and pay (increased by the full annual comparability pay adjustment) for a maximum of 2 years from the date an employee becomes entitled to grade retention, followed by a period of pay retention. Pay retention means, in general, keeping one's pay (increased by one-half of the annual comparability pay adjustment) for an indefinite period of time from the date an employee becomes entitled to pay retention. For more specific information on eligibility criteria and pay setting information for grade and pay retention, see FAPM Letter 536.

Employees who are currently in or move to a Core Compensation position, will be entitled to pay retention if

their rate of basic pay would otherwise be reduced as a result of RIF procedures. Grade retention is not applicable under Core Compensation, as grades do not exist under Core Comp. An employee receives pay retention for an indefinite period beginning on the date of his/her entitlement to pay retention. Please see HRPM 2.13C, "Pay Retention in the Core Compensation Plan" for more specific information on eligibility criteria and pay setting information.

**40. Will employees be entitled to collect unemployment pay?**

This answer varies from individual to individual. Each employee must apply for unemployment at his or her local public employment service office. That local office in accordance with state laws will determine eligibility for unemployment compensation.

**41. If an employee is separated from Federal service, can the employee retain their government health insurance? Will employees need to pay out of pocket to keep their previous plan?**

If an employee is separated from Federal service, there is an option to keep coverage under the Federal Employees Health Benefits (FEHB) Program for 18 months after separation date. If the separation date is due to RIF, the cost of the continued coverage is the same as if still employed. Since Federal plans are partially funded by the Government, if separation is voluntary, the cost of the continued coverage is much higher. Retiring employees can retain their FEHB insurance coverage if they meet the five-year eligibility requirement.

**42. How can I get more information concerning competitive sourcing?**

In order to better communicate with the workforce and the public, the Office of Competitive Sourcing Acquisition (ACA) has established a website: [www.faa.gov/aca](http://www.faa.gov/aca). The website contains information and links related to the A-76 process in general as well as specific information concerning the on-going AFSS competition.

To submit questions, go to: [www.faa.gov/aca/contact.htm](http://www.faa.gov/aca/contact.htm).

Information is also available at: [www.faa.gov/aba/html\\_budget/html\\_cs/index.html](http://www.faa.gov/aba/html_budget/html_cs/index.html).

# Frequently Asked Questions About A-76: AFSS Study



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